IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CASE NO.: **CWP No.8955 of 2002**
DATE OF DECISION: March 7, 2007

MS. VEENA SEHGAL ...PETITIONER

VERSUS

STATE OF HARYANA AND OTHERS ...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE ASHUTOSH MOHUNTA.

PRESENT: MR. PAWAN KUMAR, ADVOCATE,
FOR THE PETITIONER.

MR. ANMOL RATTAN SIDHU, ADDL.A.G., HARYANA
WITH MR. RAJEEV KAWTRA, SR.DAG, HARYANA.
FOR THE STATE-RESPONDENT NOS.1 AND 2.

MR. R.K. MALIK, ADVOCATE,
FOR RESPONDENT NOS.4 TO 7.

ASHUTOSH MOHUNTA, J.

Challenge made in this petition under Articles 226/227 of the Constitution of India is to the seniority list (Annexure P13) whereby the petitioner has been shown junior to respondent Nos.3 to 7 as also to the order dated 3.4.2002 (Annexure P15) passed by respondent No.1 vide which her claim to the post of Principal, State Community Development Training Centre, Nilokheri, over and above the claim of the private respondents has been rejected, and prayer has been made for quashment of the said seniority list (Annexure P13) and the impugned order (Annexure P15) by issuing a writ in the nature of certiorari and also for issuance of direction to respondent No.1 to assign seniority to the petitioner with effect from the date she had joined service.

I have heard the learned counsel appearing on behalf of the petitioner as well as the respondents and with their assistance perused the case file in depth.

Undisputed facts of the case are that the petitioner joined service as Junior Instructor on ad hoc basis on 2.6.1979. Her appointment as Junior Instructor was regularized with effect from 18.7.1988. She was put in the next higher pay scale of Rs.2000-3200 with effect from 1.10.1991 as a personal measure to her. Thereafter, the post of Junior Instructor was upgraded to the post of Instructor (Personal Hygiene) vide order dated 3.5.2000 and she joined the upgraded post on 12.5.2000. On the other hand, respondent No.3 Sh.Brij Gopal Gupta joined as Instructor on 1.5.1982 on regular basis. Respondent No.4 Sh.Satish Chander Batra was appointed Instructor on regular basis on 30.9.1983. Respondent No.5 Sh. Krishan Kumar Mor was appointed Instructor on regular basis on 6.11.1987. Respondent No.6 Sh.Pawan Kumar Yadav joined as Instructor on regular basis on 29.11.1995 and respondent No.7 Ms.Sonika Thakur joined as such on 29.11.1995. All these respondents were appointed as Instructor on regular basis on the basis of recommendations made by the Haryana Public Service Commission from time to time. The appointment of the petitioner as Instructor was never recommended by the Haryana Public Service Commission. However, as compared to the case of respondent Nos.3 to 7, the post of Junior Instructor against which the petitioner had been working since 2.6.1979 was upgraded on 3.5.2000 and she actually joined as Instructor on 12.5.2000.

In view of the afore-mentioned undisputed facts the seniority list of Instructors (Annexure P13) depicting the petitioner junior to

respondent Nos.3 to 7 has correctly been drawn and the impugned order dated 3.4.2002 (Annexure P15) rejecting the claim of the petitioner to the post of Principal prior to respondent Nos.3 to 7 has rightly been passed by respondent No.1. The appointment of the petitioner as Junior Instructor on ad hoc basis with effect from 2.6.1979 cannot put her on better footing viz-a-viz respondent Nos.3 to 7, who are certainly senior to the petitioner as Instructor and are to be considered for the post of Principal prior to her as the said post is to be filled from amongst the Instructors and she joined the post of Instructor on 12.5.2000 and all the private respondents were appointed to the said post much prior to her appointment as such.

Consequently, there is no merit in this petition. It is, accordingly, dismissed. However, there shall be no order as to costs.

March 7, 2007 **(ASHUTOSH MOHUNTA)**
Gulati **JUDGE**